

REMARKS

I. Overview

Applicant hereby amends claim 32, adds new claims 57-76, and cancels claims 33-38, 42-53, and 56. Following this Preliminary Amendment, claims 32, 39-41, 54-55, and 57-76 are pending. The independent claims are 32, 63 and 74.

II. Rejections under 35 U.S.C. § 102

In the Final Office Action Mailed February 22, 2005, the Examiner rejected claims 32, 39-41, 50-52, and 54-56 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 3,283,839 issued to Brown et al. (hereinafter "Brown").

Amended independent claim 32 and new independent claim 74 recite that the first end, intermediate, and second end wheel elements are arrayed with a selected degree of rocker of the wheel elements coupled to the body, wherein the intermediate wheel element is configured to contact a level ground plane and the first and second end wheel elements are configured to selectively contact or be adjacent to the level ground plane. Amended claim 32 and new claim 74 also recite that the intermediate wheel element has a wider track than the first end wheel element and the second end wheel element.

Brown does not teach or suggest this combination of elements in amended claim 32 and new claim 74. Brown discloses a wheelchair 11 having a set of three ground engaging wheels 41 mounted at the rear end of the chair 11 in a plane between spiders 33 and 36. (Figs. 1 and 2; col. 2, lines 46-54.) Brown further teaches that wheelchair 11 has a set of ground engaging wheels 17 mounted on brackets 18 from the front of the under-carriage 19. (Fig. 1; col. 2, lines 25-28.) Brown does not disclose that wheels 41 and 17 are arrayed with a selected degree of rocker because it does not disclose that ground engaging wheels 17 are configured to be selectively adjacent to a level ground plane. If ground engaging wheels 17 were configured to be out of contact with level ground, it would make wheel chair 11 unsteerable, unsafe, and unfit for its intended purpose.

Even if Brown did disclose that wheels 41 and 17 are arrayed with a selective degree of rocker, wheels 41 are mounted in the same plane between spiders 33 and 36, making the track of those wheels the same width. Brown does not disclose that one of wheels 41 can be mounted in

a different plane than the other wheels 41 and thereby be both an intermediate wheel element and have a wider track than other wheels 41 and wheels 17.

Thus, Brown fails to teach or suggest the claimed combination of features, and thus amended claim 32 and new claim 74 are patentable over Brown.

Claims 39-41, 54-55, and 57-63 are dependent on amended claim 32 and patentable for at least the same reasons. Claims 75-76 are dependent on claim 74 and patentable for at least the same reasons.

New claim 64 recites that the tail element substantially conforms to the body profile when in a stowed position.

Brown does not disclose the tail element recited in claim 64. Brown discloses a skid 66 and an arm 67, which is connected to frame 19 by an extensible link 71. (Fig. 1; col. 2, lines 33; col. 3, lines 23-33.) As is best seen in Fig. 1 of Brown and shown in broken line, arm 67 and link 71 do not substantially conform to frame 19 while in a stowed position because they form an acute angle that does not at all conform to the obtuse angle formed between seat 12 and back 13 of frame 19. Brown does not disclose that arm 67 and link 71 could substantially conform while in any stowed position. Thus, claim 64 is patentable over Brown.

Claims 64-73 are dependent on claim 63 and patentable for at least the same reasons.

III. Conclusion

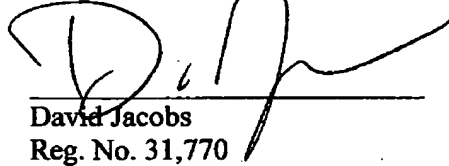
Applicant respectfully submits that all claims are in condition for allowance and requests that all claims be allowed.

Should any questions arise concerning this Response, or the above-identified application, the Examiner is cordially invited to contact the undersigned.

Payment of Fees by Deposit Account: No fee is believed to be due at this time. However, should the PTO determine that a fee is required; the PTO is hereby authorized to charge such fee, and any other required fee to Gesmer Updegrove PTO Deposit Account No. 122315.

Date: September 22, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Jacobs', written over a horizontal line.

David Jacobs

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